

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tyler Walls	Team: Squad #6	CCRB Case #: 202002179	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/06/2020 3:20 AM	Location of Incident: Barlow Avenue and Wainwright Avenue	Precinct:	18 Mo. SOL 9/6/2021	EO SOL 4/23/2022	
Date/Time CV Reported Fri, 03/06/2020 3:39 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/17/2020 10:32 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jeffrey Bongiorno	16936	951688	HWY 05
2. POM Nicholas Gentile	11043	949017	HWY 05

Officer(s)	Allegation	Investigator Recommendation
A.POM Jeffrey Bongiorno	Abuse: Police Officer Jeffrey Bongiorno refused to provide his name to § 87(2)(b)	
B.POM Jeffrey Bongiorno	Abuse: Police Officer Jeffrey Bongiorno refused to provide his shield number to § 87(2)(b)	
	§ 87(4-b), § 87(2)(g)	

Case Summary

On March 6, 2020, § 87(2)(b) filed the following complaint with the CCRB over the phone.

On March 6, 2020, at approximately 3:20 a.m., near the intersection of Barlow Avenue and Wainwright Avenue in Staten Island, PO Jeffrey Bongiorno and PO Nicolas Gentile, of Highway Traffic Patrol, stopped and issued § 87(2)(b) a speeding summons. As PO Bongiorno was leaving the scene, § 87(2)(b) requested his name and shield number. PO Bongiorno went back to his vehicle and did not respond. § 87(2)(b) exited his vehicle and asked PO Bongiorno for his name and shield number three more times. From inside the patrol vehicle, PO Gentile used his loudspeaker to tell § 87(2)(b) to get back into his vehicle. § 87(2)(b) complied. PO Bongiorno allegedly did not provide his name or provide his shield number (**Allegation A and B: Abuse of Authority**; § 87(2)(g) [REDACTED])

PO Gentile did not make any memo book entries regarding this incident (**Allegation C:** [REDACTED] § 87(4-b), § 87(2)(g) [REDACTED])

The investigation obtained body-worn camera (BWC) video and dashcam footage of the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Jeffrey Bongiorno refused to provide his name to § 87(2)(b) [REDACTED]

Allegation (B) Abuse of Authority: Police Officer Jeffrey Bongiorno refused to prove his shield number to § 87(2)(b) [REDACTED]

PO Gentile and PO Bongiorno's BWC showed that they stopped § 87(2)(b)'s vehicle and then requested his license and registration. After receiving these documents from § 87(2)(b) [REDACTED] the officers went back to their vehicle where PO Bongiorno wrote a summons. PO Bongiorno returned to § 87(2)(b) [REDACTED] handed him the summons, and explained that the summons was issued for speeding. § 87(2)(b) [REDACTED] denied speeding and accused PO Bongiorno of being racist. At the 08:02 mark of PO Gentile's BWC, as PO Bongiorno proceeded to walk away, § 87(2)(b) [REDACTED] asked, "Can I have your badge number?" PO Bongiorno replied, "It's on the summons" before entering his vehicle. At the 08:13 mark of PO Gentile's BWC, § 87(2)(b) [REDACTED] exited his vehicle and asked PO Bongiorno for his badge number three more times. PO Gentile used his vehicle loudspeaker to tell § 87(2)(b) [REDACTED] to get back into his vehicle. § 87(2)(b) [REDACTED] eventually went back into his vehicle after several requests. At the 08:40 mark of PO Bongiorno's BWC, PO Bongiorno exited his RMP and inspected § 87(2)(b) [REDACTED]'s license plate. PO Bongiorno went back into his vehicle shortly after. At no point during the interaction does PO Bongiorno provide his shield number. § 87(2)(b) [REDACTED] does not request PO Bongiorno's name at any point in the videos (**BR 01, 02**).

The dashcam video showed that PO Bongiorno followed § 87(2)(b) [REDACTED] from a parkway into a residential area. PO Bongiorno turned on his lights shortly after at which point § 87(2)(b) [REDACTED] proceeded to stop near an intersection. After several seconds, § 87(2)(b) [REDACTED] made a left on the intersection and then stopped again. The officers followed § 87(2)(b) [REDACTED] and stopped directly behind him. The officers proceeded to conduct the vehicle stop as described in the BWCs (**BR 03**).

§ 87(2)(b) [REDACTED] testified that on March 6, 2020, at approximately 3:20 a.m., while on Drumgoole Road in Staten Island heading home from work, he made a right turn onto Wainwright Avenue and was nearly hit from behind by a black unmarked vehicle. § 87(2)(b) [REDACTED] continued driving for two blocks. At the intersection of Barlow Avenue and Wainwright Avenue the black unmarked vehicle turned on its police lights. § 87(2)(b) [REDACTED] made a left onto Barlow Avenue and stopped. The unmarked black vehicle stopped behind § 87(2)(b) [REDACTED] PO Bongiorno exited his vehicle, approached § 87(2)(b) [REDACTED] and accused him of going over the speed limit. § 87(2)(b) [REDACTED] denied speeding in the area. Upon PO

Bongiorno's request, § 87(2)(b) provided his license and registration. PO Bongiorno went back to his vehicle. After approximately five minutes, PO Bongiorno returned to § 87(2)(b) and handed him a speeding summons. § 87(2)(b) denied speeding and accused PO Bongiorno of racism. As PO Bongiorno was leaving, § 87(2)(b) asked PO Bongiorno for his name and shield number. PO Bongiorno stood approximately six feet away from § 87(2)(b) when he made the request. PO Bongiorno entered his vehicle and did not respond. § 87(2)(b) exited his vehicle and stood near its rear end. § 87(2)(b) stood approximately eight feet away from PO Bongiorno's vehicle. In a loud tone, § 87(2)(b) requested PO Bongiorno's name and shield number three more times. PO Bongiorno used his vehicle loudspeaker to tell § 87(2)(b) to get back into his vehicle. § 87(2)(b) went back into his vehicle. PO Bongiorno returned to § 87(2)(b)'s vehicle and inspected his front license plate. PO Bongiorno stood three feet away from § 87(2)(b). During this time, § 87(2)(b) requested PO Bongiorno's name and shield number, but he did not respond. PO Bongiorno went back to his vehicle and drove off without further incident (**BR 04**).

PO Bongiorno testified that he and PO Gentile were driving on Korean War Veterans Parkway in the vicinity of Arden Avenue in Staten Island when they observed § 87(2)(b) driving in front of them. PO Bongiorno's moving radar showed § 87(2)(b) driving 81 mph in a 50 mph zone. PO Bongiorno and PO Gentile activated their police lights to get § 87(2)(b) to stop. § 87(2)(b) pulled out of the parkway and turned down a couple of different side streets before stopping in a residential area. PO Bongiorno got out of his vehicle and approached the passenger side of § 87(2)(b)'s vehicle while PO Gentile approached the driver's side. PO Gentile, rather than PO Bongiorno, interacted with § 87(2)(b) initially. Although PO Bongiorno could not hear the discussion between § 87(2)(b) and PO Gentile, he could hear § 87(2)(b) raised his voice during the conversation. Once PO Gentile obtained the documents from § 87(2)(b) the officers headed back to their vehicle where PO Bongiorno wrote the summons. PO Bongiorno then exited his vehicle and informed § 87(2)(b) that he was previously speeding. § 87(2)(b) denied speeding and became "uncooperative." Aside from using a loud tone, PO Bongiorno could not recall anything else "uncooperative" about § 87(2)(b). To avoid further escalation, PO Bongiorno handed § 87(2)(b) the summons, explained that his identifying information could be found on the summons, and then went back to his vehicle. At some point during the interaction, PO Bongiorno could not remember when, § 87(2)(b) exited his vehicle. PO Bongiorno could not recall if § 87(2)(b) did or said anything while outside of the vehicle. PO Bongiorno stated that he felt "uneasy" with § 87(2)(b) outside of the vehicle because of their previous negative interaction and because anything could happen during a vehicle stop. PO Bongiorno and PO Gentile told § 87(2)(b) to get back inside of his vehicle. § 87(2)(b) eventually went back inside. The officers drove away without further incident. PO Bongiorno did not remember hearing § 87(2)(b) request his name or shield number at any point during the incident. PO Bongiorno stated that he would have provided his information to § 87(2)(b) if he heard the request (**BR 05**).

PO Gentile § 87(2)(g) cited that fact that he needed to ask § 87(2)(b) for his documents more than once and that § 87(2)(b) kept refuting their claims about his speeding as evidence of § 87(2)(b)'s uncooperativeness. When PO Bongiorno provided the speeding summons to § 87(2)(b) PO Gentile could not hear the discussion between the two of them because he stood too far behind. When the officers returned to their vehicle, § 87(2)(b) exited his vehicle and started yelling that he could not have been speeding because he set his vehicle on cruise control. PO Gentile could not recall anything else § 87(2)(b) said while outside. PO Gentile used his vehicle's loudspeakers to tell § 87(2)(b) to get back inside of his vehicle. § 87(2)(b) eventually went back inside of his vehicle. The officers left soon after (**BR 06**).

PO Bongiorno issued § 87(2)(b) summons #§ 87(2)(b). The summons did not list PO

Bongiorno's shield number (**BR 07**).

An officer must clearly say or otherwise provide their name, shield number, or command when members of the public request this information. NYPD Patrol Guide Procedure 203-09 (**BR 08**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 11**).
- PO Bongiorno has been a MOS for eight years and has been a subject in one previous CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- PO Gentile has been a MOS for 10 years and has been a subject in two previous CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- As of June 21, 2020, the NYC Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**BR 13**).

Squad No.: 6

Investigator: Tyler Walls Inv. Tyler Walls 4/28/2021
Signature Print Title & Name Date

Squad Leader: Jessica Pena IM Jessica Peña 4/29/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date